

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

GLENDA GOVER,

Plaintiff,

v.

DOLLAR TREE STORES, INC.

Defendant

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CIVIL ACTION NO. 5:22-cv-444
JURY

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant **DOLLAR TREE STORES, INC.**, (“Dollar Tree”) hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, removing the above-captioned case to the United States District Court for the Western District of Texas, San Antonio Division. The grounds for removal are as follows:

I. Introduction

1. Plaintiff Glenda Gover (“Plaintiff” or “Gover”), at the time this action was commenced, was, and still is, a resident and a citizen of Texas.

2. Defendant Dollar Tree Stores, Inc. is a corporation formed under the laws of the Commonwealth of Virginia, having its principal place of business now and at the time this action was commenced in Chesapeake, Virginia. Thus, Defendant is now and was at the time this action was commenced a citizen of the Commonwealth of Virginia and of no other state.

3. Plaintiff claims that on or about September 19, 2020, Plaintiff, a disabled individual was shopping at Dollar Tree, while utilizing a knee scooter to help her get around the stores, and shopping, Plaintiff went over a row of cracked, uneven tiles that caused her to lose her balance and fall, injuring the right side of her back, and re-injuring her right foot. Plaintiff’s

Original Petition at p. 2. Plaintiff contends that she suffered severe injuries as a result of same. *Id.*

4. On or about March 28, 2022, Plaintiff commenced a lawsuit in the 166th Judicial District Court of Bexar County, Texas, Cause No. 2022CI04291, styled *Glennnda Gover v. Dollar Tree Stores, Inc.* *Id.* at p. 1.

5. Plaintiff avers, inter alia, that Dollar Tree is liable for the failing to keep the premises in a safe condition. *Id.* at p. 5 ¶ VII. Consequently, Plaintiff seeks to recover damages for negligence. *Id.*

II. Grounds for Removal

A. Complete Diversity of Citizenship Exists Between the Parties and the Amount in Controversy Exceeds \$75,000.00

6. Plaintiff is a citizen and a resident of Texas.

7. Defendant Dollar Tree Stores, Inc. is a corporation formed under the laws of the Commonwealth of Virginia, having its principal place of business now and at the time this action was commenced in Chesapeake, Virginia. Thus, Defendant is now and was at the time this action was commenced a citizen of the Commonwealth of Virginia and of no other state.

8. Thus, the parties are completely diverse. *See* 28 U.S.C. § 1332(a).

9. Plaintiff has not confirmed that she is seeking damages less than \$75,000.00. Indeed, the undersigned counsel has solicited confirmation of the amount in controversy from Plaintiff's counsel to no avail. Therefore, it is assumed that the amount in controversy exceeds \$75,000.00.

B. Venue is Proper in This Division and in This District.

10. Plaintiff filed this action in Bexar County, Texas. The San Antonio Division of the Western District of Texas encompasses Bexar County, Texas. Thus, this district and division embrace the place where the state court action is pending. *See* 28 U.S.C. §1441(a).

III. Procedural Requirements for Removal

11. This Notice of Removal is filed within thirty days of the date on which Defendant received the summons and complaint. Thus, this Notice of Removal is timely. *See* 28 U.S.C. § 1446(b).

12. Copies of all processes, pleadings, and orders have been filed separately with this Court. *See* 28 U.S.C. § 1446(a).

13. Pursuant to Local Rule 81 of the Western District of Texas, the following documents are attached to this Notice of Removal: copy of all processes, attached hereto as Exhibit “A”; all pleadings attached hereto as Exhibit “B”; an Index of Matters Being Filed, attached hereto as Exhibit “C”; and a list of all Counsel of Record, including addresses, telephone numbers and parties represented is attached hereto as Exhibit “D”.

15. A copy of this Notice of Removal will be filed with the Bexar County District Clerk’s office promptly and will be served on Plaintiff promptly. *See* 28 U.S.C. § 1446(d); *see also Nixon v. Wheatley*, 368 F. Supp. 2d 635, 640 (E.D. Tex. 2005) (Crone, J).

16. The filing fee has been paid to the Clerk.

IV. Prayer

17. WHEREFORE, PREMISES CONSIDERED, Defendant **DOLLAR TREE STORES, INC.** prays that the above-styled action now pending in the 166th Judicial District Court of Bexar County, Texas be removed there from to this Honorable Court.

18. This Notice of Removal is filed subject to and without waiver of any defenses or objections to Plaintiff's Original Petition as allowed by the Federal Rules of Civil Procedure or by any applicable law.

Respectfully submitted,

GERMER, PLLC

By: /s/ Robin N. Blanchette
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ATTORNEY FOR DEFENDANT
DOLLAR TREE STORES, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been duly sent via e-serve on May 6, 2022 to all counsel of record, as follows:

Via E-serve

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_____/s/ Robin N. Blanchette_____
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